



# Fabio Dworschak

## Special Counsel

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**“As a trial and appellate advocate, I provide timely, thorough, and pragmatic counsel to environmental and business disputes with an emphasis on timely communication and collaboration with clients to achieve their goals and needs.”**

Fabio Dworschak is a member of the firm’s energy and shipping team. His practice focuses on environmental and commercial disputes and appeals. Fabio represents private and public clients in a wide variety of disputes arising from the Clean Water Act (CWA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Washington’s Model Toxics Control Act (MTCA), breach of contract, and business and environmental torts.

Fabio also advises on environmental and natural resources matters, including regulatory issues related to the CWA, National Environmental Policy Act (NEPA), Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), and tribal law. Fabio has broad experience with per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants. He helps clients to investigate possible environmental contamination on current and legacy sites and advises on possible liabilities related to enforcement and litigation.

Fabio began his legal career as a law clerk for Judge Rolando Olvera in the Southern District of Texas. While in law school, he served as an extern in the Washington State Supreme Court for Justice Sheryl Gordon McCloud and in King County Superior Court for Judge Carol A. Schapira (Ret.).

Before law school, Fabio served as an Army medic during deployments to Afghanistan and Iraq, earning the Combat Medic Badge in Iraq for medical services rendered while under hostile fire. Fabio continues to serve others by devoting significant time to providing pro bono assistance to his community, veterans, and individuals who have suffered injustice at the hand of government actors.

### Professional Activities

- Miller Nash’s Veterans Affinity Group
  - Lead, 2023-present
- Institute for Energy Law, Advisory Board Member, 2024-present

### Education

LL.M., University of Houston Law Center, 2016

J.D., Seattle University School of Law, *cum laude*, 2015

- Dean’s List (3L Academic Year)
- CALI Award in Comprehensive Trial Advocacy, Constitutional Law II, and Military Law
- Staff Editor, *American Indian Law Journal*

B.A., University of Houston, *magna cum laude*, 2012

- Dean’s List

### Bar Admissions

Washington, 2022

Oregon, 2023

Texas, 2015

### Languages

Portuguese

Spanish

- Washington State Bar Association, Member
  - Judicial Recommendations Committee Member, 2023-2025
- King County Bar Association
  - Environmental & Land Use Section
    - Cochair, 2022-2023
    - Vice Chair, 2023-2024
- Texas State Bar Association, Member
- Houston Bar Association, Member
- Houston Young Lawyers Association
  - Director, 2021-2022
  - Veterans Committee Cochair, 2021-2022
  - Leadership Academy, 2019-2020

### Civic Activities

- Leadership Council on Legal Diversity, Pathfinder Program, 2021
- Houston Veterans Legal Initiative
- Houston Volunteer Lawyers Pro Bono Pledge

### Representative Experience

#### Environmental Litigation

- Represented national energy company in asserting statutory and common law claims related to PFAS contamination arising from aqueous film forming foam (AFFF) against the manufacturers of AFFF and PFAS.
- Represented international energy company in defending against claims arising from CERCLA, RCRA, and other federal and state law claims based on historic operations of the company's former subsidiary in California.
- Represented international energy company in defending against federal and state law claims, including MTCA, based on historic gas station operations in Washington.
- Represented international company in defending against a state attorney general's action based on criminal and civil violations of reporting requirements in a water discharge permit.
- Represented seafood company in defending against a state enforcement action for an unauthorized discharge and violations of effluent limitations in its discharge permit.
- Represented national grocery store in breach of lease and related claims stemming from environmental contamination at the leased property.
- Represented local property developer in reverse condemnation issue arising from the state's efforts to lower heavily trafficked multi-state bridge and negatively impacted the navigability of the Columbia River.
- Represented several clients in defense of Clean Water Act citizen suits.
- Represented clean fill and landfill owners in environmental and commercial disputes with private parties and state agencies.
- Represented states and territories in asserting common law and statutory claims against chemical manufacturers for environmental contamination stemming from their facilities.\*

### Court Admissions

U.S. Court of Appeals,  
District of Columbia  
Circuit

U.S. Court of Appeals  
for the Second Circuit

U.S. Court of Appeals  
for the Fifth Circuit

U.S. District Court,  
Southern District of  
Texas

U.S. District Court,  
Western District  
of Texas

### Commercial Litigation

- Represented international manufacturer of building materials and concrete in asserting breach of contract and indemnity claims against the seller of several properties based on misrepresentations in the purchase agreement.
- Represented hotel in asserting breach of contract and related claims against former owner of the hotel and construction company that built the hotel, as well as insurance claims against the hotel's insurer for improper denial of claim and bad faith.
- Successfully defended a national company in a bench trial victory via a motion for directed verdict.\*
- Obtained favorable outcome for a port and railroad company through a settlement based on a suit for breach of contract and warranty arising from purchase of locomotive fleet.\*
- Obtained favorable dismissal of mortgage company client in a multimillion-dollar dispute over the acquisition of real property in Texas.\*

### Appeals

- Represented national telecommunication provider in an appeal challenging agency procurement process under Washington law.
- Obtained a favorable decision for the Attorney General of Guam in the United States Supreme Court in a CERCLA action against the United States to recover the costs of removal and remedial actions incurred by Guam due to military contamination and operations on the island for decades. The decision, *Territory of Guam v. United States*, can be found [here](#).\*
- Successfully represented cylinder manufacturer in a challenge to a final EPA rule banning use of non-refillable cylinders in the United States Court of Appeals for the District of Columbia. The decision, *Heating, Air Conditioning & Refrigeration Distributors International et al. v. EPA et al.*, can be found [here](#).\*

### Pro Bono

- Represented a client wrongfully arrested for peacefully protesting in a suit based on the United States and Louisiana constitutions, federal and state law, and common law against the city, police department, sheriff's office, district attorney, and several individual actors in federal court in Louisiana.
- Obtained favorable decision for tenant client in the Texas First Court of Appeals in a landlord-tenant dispute arising from the Texas Property Code. The decision, *Graustark Members II, LLC v. Minor*, No. 01-19-647-CV (Tex. App.—Houston [1st. Dist.] 2020, no pet.), can be found [here](#).\*
- Represented three public interest non-profits in an amicus brief supporting the Sixth Amendment right to an attorney at an initial bail determination hearing in an appeal before the United States Court of Appeals for the Fifth Circuit.\*
- Obtained favorable settlement for a client in a breach of contract case based on sale of real property in Texas.\*
- Obtained favorable settlement for a client in an adverse possession case in Texas.\*
- Helped veterans and other Houstonians expunge their criminal records or prepare wills.\*
- Represented asylum seekers and other migrants in appeals before the Board of Immigration Appeals and the United States Court of Appeals for the Second Circuit.\*

\*Prior to joining Miller Nash

### Publications

- "Breaking Down EPA's Latest Proposed Rules: Expanded Hazardous Waste Definitions and PFAS Listings," Miller Nash, *From the Ground Up* (Mar. 2024)
- "EPA Issues Drinking Water Standard for Six PFAS," Miller Nash, *From the Ground Up*, coauthor (April 2023)
- "EPA Approves the Use of ASTM E1527-21 for the All Appropriate Inquires Requirement," Miller Nash, *From the Ground Up* (Mar. 2023)

- “PFAS Year-End Review: EPA Lays Groundwork for Tighter Regulatory Scrutiny,” Miller Nash, coauthor (Feb. 2023)
- “EPA Issues Historic Proposed Rule to Designate PFOS and PFOA as Hazardous Substances Under CERCLA,” Miller Nash, *From the Ground Up*, coauthor (Aug. 2022)
- “EPA Issues New HAL for Four Commonly Used PFAS,” Miller Nash, *From the Ground Up*, coauthor (June 2022)
- “PFAS Roundup: A Brief Summary of the Standards Set by Western States for PFAS in the Environment,” Miller Nash, *From the Ground Up*, coauthor (June 2022)

### Presentations

- “Ethics of ESG,” Texas Symposium on Climate Change and Energy Transition, Moderator (Apr. 2024)
- “Environmental Excellence: ESG, CSR, Sustainability, and More,” Northwest Environmental Business Council, Business & The Environment Conference, moderator (Dec. 2023)
- “Environmental Due Diligence,” Oregon State Bar, Real Estate and Land Use Conference (Aug. 2023)

### Recognition & Honors

- Selected for inclusion in *Best Lawyers: Ones to Watch*® (Seattle, WA)
  - Environmental Law, 2024-present
  - Commercial Litigation, 2023-present
- Selected for inclusion as a Super Lawyer—Rising Star
  - Washington, 2023
  - Texas, 2022
- Recognized with the “Star of Achievement for Veterans Initiative” by the State Bar of Texas for the Houston Young Lawyers Association 2021-2022 Veterans Program, 2022

### Personal Activities

Fabio enjoys spending time with his growing family, reading, hiking around the Pacific Northwest, exploring new places, skiing, and enjoying life’s simple pleasures like a good cup of coffee.